



November 12, 2015

Ms. Kathleen Allen
Ethics Administrator
Louisiana Board of Ethics
PO Box 4368
Baton Rouge, LA 70821

Re: Request for an Advisory Opinion

Dear Ms. Allen:

I am writing to request an advisory opinion on behalf of my client, a Louisiana District Court Judge, concerning the propriety of using her/his campaign funds to reimburse the Judge for the attorney's fees s/he expended from his/her personal funds in successfully defending a formal charge that was filed by the Judiciary Commission against the Judge. In this case the allegations in the Formal Charge were not proven by clear and convincing evidence and the matter was closed and concluded.

I previously submitted a request for an advisory opinion on behalf of my client by letter dated February 27, 2015, concerning the same matter before the Judiciary Commission, and inquired concerning the propriety of using her/his campaign funds to pay for legal expenses including attorney's fees that will be incurred in the future by the Judge in defending a formal charge filed against the Judge by the Judiciary Commission of Louisiana. (Exhibit 1). My prior letter of February 27, 2015, described the nature of the pending charge against the Judge. The matter was assigned Docket No. 2015-153. (Exhibit (2)). In an opinion dated March 24, 2015, the Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, determined that the requested use of campaign funds "is not a use related to his/her campaign or the holding of public office" and is "prohibited" by La. R.S. 18:1505.2(I). (Exhibit 3).

I am now submitting this request for a new advisory opinion because the circumstance have changed and the Judge has successfully defended against the formal charge brought by the Judiciary Commission and incurred legal expenses paid from personal funds. In support, in Ethics Board Docket No. 2003-677, the Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, issued an advisory opinion dated September 12, 2003, to Judge Timothy E. Kelley, of the Nineteenth Judicial District Court, who requested an advisory opinion concerning the propriety of his using his campaign funds to repay legal expenses he incurred and paid from personal funds when successfully defending a complaint filed against him with the Judiciary Commission. The Board concluded: "The Board expressed the opinion your use of campaign funds to pay legal fees in connection with your successful defense of the described complaint filed against you with the Judiciary Commission is not

LESLIE J. SCHIFF
117 W. Landry Street
Opelousas, Louisiana 70570
Phone 337.942.9771
Fax 337.942.2821
leslie@sswethicslaw.com

STEVEN SCHECKMAN
829 Baronne Street
New Orleans, Louisiana 70113
Phone 504.581.9322
Fax 504.581.7651
steve@sswethicslaw.com

JULIE BROWN WHITE
11715 Bricksome Avenue, Suite A-3
Baton Rouge, Louisiana 70816
Phone 225.293.4774
Fax 225.292.6579
julie@sswethicslaw.com

prohibited by Section 1505.2(I)." (Exhibit 4). *See also* Advisory Opinion dated June 16, 2003, issued to Sheriff J. Edward Layrisson, Ethics Board Docket No. 2002-819 (Campaign Finance Disclosure Act permits reimbursement of legal fees in connection with successful defense of federal investigation because it concerned activity as a public official). (Exhibit 5).

It is therefore respectfully requested that Louisiana Board of Ethics issue an advisory opinion concerning the propriety of using the Judge's campaign funds to repay legal expenses s/he incurred including attorney's fees successfully defending the formal charge filed against the Judge in this matter by the Judiciary Commission of Louisiana.

Thanking you for your cooperation in this matter, I remain

Very Truly Yours,

SCHIFF, SCHECKMAN & WHITE LLP

BY:



STEVEN SCHECKMAN

Encls.



SCHIFF, SCHECKMAN & WHITE LLP

February 27, 2015

BY FAX & U.S. MAIL

Ms. Kathleen Allen
Ethics Administrator
Louisiana Board of Ethics
PO Box 4368
Baton Rouge, LA 70821

Re: Request for an Advisory Opinion

Dear Ms. Allen:

I am writing to request an advisory opinion on an expedited basis on behalf of my client, a Louisiana District Court Judge, concerning the propriety of using her/his campaign funds to pay for legal expenses including attorney's fees that will be incurred by the Judge in defending a formal charge filed against the Judge by the Judiciary Commission of Louisiana. This request is submitted on an expedited basis due to the need of the Judge to engage counsel and to prepare a defense.

La. Const. art. V, § 25C (1974) in pertinent part provides: "The supreme court shall make rules . . . providing for confidentiality and privilege of commission proceedings." La. Sup. Ct. Rule XXIII, Sec. 23, directs that all proceedings before the Judiciary Commission remain confidential unless and until a recommendation of judicial discipline is made by the Commission to the Court. At the formal charge stage, a Judiciary Commission proceeding remains confidential. In order to not breach the confidentiality provisions of Judiciary Commission proceedings, this request for an advisory opinion does not disclose the identity of my client. I sincerely hope that the Louisiana Board of Ethics understands that my client and I are bound by this constraint.

The formal charge in the case filed against my client alleges that in his/her official capacity as a Louisiana District Court Judge a hearing was held, a temporary restraining order was issued and the judge should have recused pursuant to La. C.C.P. art 151B(4) and Canon 3C of the Code of Judicial Conduct. However, it should be noted that the judge disclosed on the record certain potentially disqualifying facts and the parties waived any objection to the judge

LESLIE J. SCHIFF
117 W. Landry Street
Opelousas, Louisiana 70570
Phone 337.942.9771
Fax 337.942.2821
leslie@sswethicslaw.com

STEVEN SCHECKMAN
829 Baronne Street
New Orleans, Louisiana 70113
Phone 504.581.9322
Fax 504.581.7651
steve@sswethicslaw.com



JULIE BROWN WHITE
11715 Bricksome Avenue, Suite A-3
Baton Rouge, Louisiana 70816
Phone 225.293.4774
Fax 225.292.6579
julie@sswethicslaw.com

2015 NOV 17 AM 9:10
OFFICE OF THE
CLERK OF THE
SUPREME COURT
OF THE STATE OF
LOUISIANA

hearing the matter. Thereafter, the case was then allotted to another division of court and the judge had no further involvement in the case.

The formal charge filed by the Judiciary Commission directly relates to my client's official duties, function and responsibility as a judge. Pursuant to La. R.S. 1505.2(I),¹ the formal charge filed by the Judiciary Commission directly implicates the judge's "holding of a public office." It is therefore respectfully requested that Louisiana Board of Ethics issue an advisory opinion on an expedited basis concerning the propriety of using the Judge's campaign funds to pay for the legal expenses including attorney's fees that will be incurred by the Judge in defending the formal charge filed against the Judge in this matter by the Judiciary Commission of Louisiana.

Thanking you for your cooperation in this matter, I remain

Very Truly Yours,

SCHIFF, SCHECKMAN & WHITE LLP

BY: 
STEVEN SCHECKMAN

¹ La. R.S. 1505.2(I) provide that "... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign, [or] the holding of a public office ..."



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

March 9, 2015

Mr. Steven Scheckman
829 Baronne St.
New Orleans, LA 70113

Re: Louisiana Board of Ethics Docket No. 2015-153

Dear Mr. Steven Scheckman:

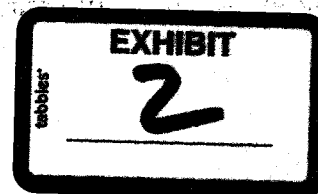
This correspondence is to acknowledge receipt of your recent submission of a request for an advisory opinion or waiver of a late fee. Your submittal is identified by the Ethics Board docket number referenced above and is tentatively scheduled to be placed on the agenda for the Board's consideration at its March 20, 2015 meeting.

If you would like to schedule an appearance before the Board of Ethics at that meeting in connection with this matter, please contact Haley Williams at the numbers above. Your inclusion of the above docket number in future communications to this office will be appreciated.

LOUISIANA BOARD OF ETHICS

Deborah S. Grier
Executive Secretary
DSG:lhd

AN EQUAL OPPORTUNITY EMPLOYER





STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

March 24, 2015

*Received
3/27/15*

Steven Scheckman
Schiff, Scheckman, & White, LLP
829 Baronne Street
New Orleans, LA 70113

Re: Ethics Board Docket No. 2015-153

Dear Mr. Scheckman:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its March 20, 2015 meeting, considered your request for an advisory opinion, submitted on behalf of your undisclosed client, who is a Louisiana District Court Judge, concerning the propriety of using his/her campaign funds to pay legal expenses and fees that will be incurred in defending a formal charge filed against him/her by the Judiciary Commission of Louisiana (Commission).

You explained that all proceedings before the Commission remain confidential unless and until a recommendation of judicial discipline is made by the Commission to the Louisiana Supreme Court. For that reason, your request for an advisory opinion does not disclose the name of the judge on whose behalf it is sought. You stated that the formal charges filed by the Commission allege that, in his/her official capacity as a Louisiana District Court Judge, your client should have been recused pursuant to La. C.C.P. art. 151B(4) and Canon 3C of the Code of Judicial Conduct, instead of conducting a hearing and issuing temporary restraining order.

Section 1505.21 of the Campaign Finance Disclosure Act provides that:

...contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office... La. R.S. 18:1505.21

The Board concluded, and instructed me to inform you, that your client's use of campaign funds to pay legal fees and expenses incurred in connection with the formal charges filed against him/her by the Judiciary Commission of Louisiana, is not a use related to his/her campaign or the holding of public office. Accordingly, the Board determined that the use of campaign fund, as described above, is prohibited by Section 1505.21, cited above.

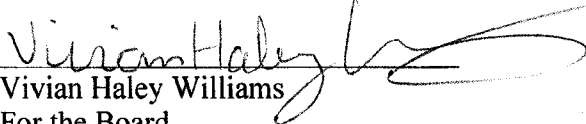
This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as



presented may result in a different application of the provisions of the Campaign Finance Disclosure Act. The Board issues no opinion as to past conduct or as to laws other than the Campaign Finance Disclosure Act. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS


Vivian Haley Williams
For the Board



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
2415 QUAIL DRIVE
THIRD FLOOR
BATON ROUGE, LA 70808
(225) 763-8777
FAX: (225) 763-8780
1-800-842-6630
www.ethics.state.la.us

September 12, 2003

The Honorable Timothy E. Kelley
Judge, Division F
Nineteenth Judicial District Court
222 St. Louis Street, Suite 857
Baton Rouge, LA 70802

Re: Ethics Board Docket No. 2003-697

Dear Judge Kelley:

The Louisiana Board of Ethics, acting as the Supervisory Committee on Campaign Finance Disclosure, at its September 11, 2003 meeting, considered your request for an advisory opinion concerning the propriety of your use of campaign funds to repay legal expenses you incurred while defending a complaint filed against you with the Judiciary Commission. The complaint alleged that you breached the Code of Judicial Ethics when you failed to recuse yourself as judge in a lawsuit in which the spouse of your opponent in an election was counsel for the plaintiff. A motion to recuse filed by the plaintiff had previously been denied by another judge. You stated that the Judiciary Commission found no merit to the complaint and the complaint was dismissed without a formal hearing. However, you explained that you incurred legal fees in connection with the matter that you paid with personal funds.

Section 1505.2(I) of the Campaign Finance Disclosure Act provides that:

... contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign [or] the holding of a public office ... LSA-R.S. 18:1505.2(I).

The Board expressed the opinion your use of campaign funds to pay legal fees in connection with your successful defense of the described complaint filed against you with the Judiciary Commission is not prohibited by Section 1505.2(I), cited above. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please call me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

Mart E. LeBlanc
Mart E. LeBlanc
For the Board

AN EQUAL OPPORTUNITY EMPLOYER





STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
2415 QUAIL DRIVE
THIRD FLOOR
BATON ROUGE, LA 70808
(225) 763-8777
FAX: (225) 763-8780
1-800-842-6630
www.ethics.state.la.us

June 16, 2003

J. Edward Layrisson, Sheriff
Tangipahoa Parish
P. O. Box 727
Amite, LA 70422

Re: Ethics Board Docket No. 2002-819

Dear Sheriff Layrisson:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, thanks you for your appearance at its June 12, 2003 meeting, in connection with your request for an advisory opinion as to whether you may use your campaign funds to reimburse yourself for the legal fees you incurred in defending yourself in connection with a federal investigation. The federal investigation concerned allegations that as the Tangipahoa Parish Sheriff, you took bribes from those with video poker interests and that you owned a video poker establishment. No charges were ever filed against you as a result of the investigation.

The Board concluded, and instructed me to inform you, that the Campaign Finance Disclosure Act permits you to reimburse yourself for the legal fees incurred in connection with the federal investigation that you owned a video poker establishment and you took a bribe. R.S. 18:1505.2I provides that campaign funds shall not be used for any personal use unrelated to a political campaign or the holding of public office. Since the federal investigation concerned your activity as a public official, you may use your campaign funds to reimburse yourself for the legal fees incurred in connection with your defense. The Board issues no opinion as to laws other than the Campaign Finance Disclosure Act.

If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

EB:KMA

AN EQUAL OPPORTUNITY EMPLOYER

